

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA :
v. : CRIMINAL ACTION
LUIS GUERRERO-GAVIRIA : : No. 06-119

ORDER

AND NOW, this 27th day of July 2009, upon consideration of Defendant Luis Guerrero-Gaviria's Motion to Vacate/Set Aside/Correct Sentence Under 28 U.S.C. § 2255 (Doc. 38, 40), the Government's Response (Doc. 42), Gaviria's Reply (Doc. 43), and the Government's Reply (Doc. 44), and in accordance with the attached Memorandum, it is hereby ORDERED that

- (1) Defendant's § 2255 Motion (Doc. 38, 40) is DENIED;
- (2) Defendant's Request for a Certificate of Appealability is DENIED; and
- (4) the Clerk shall mark the corresponding civil action for Defendant's Motion (Civ. A. No. 08-5954) CLOSED for statistical purposes.

BY THE COURT:

/s/ Michael M. Baylson
Michael M. Baylson, U.S.D.J.